

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. RES. 11

Relating to Bosnia-Herzegovina's right to self-defense.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 21 (legislative day, JANUARY 5), 1993

Mr. DECONCINI (for himself, Mr. D'AMATO, Mr. LIEBERMAN, Mr. DOLE, Mr. LUGAR, and Mr. PRESSLER) submitted the following resolution; which was read twice and referred to the Committee on Foreign Relations

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## RESOLUTION

Relating to Bosnia-Herzegovina's right to self-defense.

Whereas Bosnia-Herzegovina is a sovereign and independent state, a member of the United Nations, and a participating State of the Conference on Security and Cooperation in Europe;

Whereas the leaders of Bosnia-Herzegovina have committed themselves to practice tolerance and to live together in peace with neighboring states in keeping with the Charter of the United Nations and to promote human rights and democracy pursuant to the Helsinki Final Act;

Whereas the people of Bosnia-Herzegovina have been and remain the target of armed aggression by Serbia and Serbian-backed forces;

Whereas the loss of life and human suffering in Bosnia-Herzegovina has reached an unprecedented scale in post-World War II Europe;

Whereas the war and “ethnic cleansing” in Bosnia-Herzegovina has uprooted more than one and one-half million people, contributing to the largest refugee problem in Europe since World War II;

Whereas the people of Bosnia-Herzegovina have been subjected to organized, systematic, and premeditated war crimes and genocide, including willful killings, rape, forced impregnation, abuse of civilians in detention centers, deliberate attacks on noncombatants, “ethnic cleansing” through forcible expulsion and deportation of civilians, and torture of prisoners;

Whereas the United Nations Security Council has reaffirmed that persons who commit or order the commission of grave breaches of the Geneva Conventions are individually responsible in respect to such breaches;

Whereas the International Committee of the Red Cross and other international humanitarian organizations have not been granted unimpeded and continuous access to all camps, prisons and detention centers in Bosnia-Herzegovina as called for by the United Nations Security Council;

Whereas efforts by United Nations humanitarian organizations and others to secure the effective and unimpeded delivery of humanitarian supplies to all victims of the war in Bosnia-Herzegovina have been repeatedly blocked;

Whereas numerous diplomatic efforts to achieve a peaceful solution to the war in Bosnia-Herzegovina have failed to bring about a cessation of hostilities;

Whereas the United Nations Security Council has demanded that neighboring states respect the territorial integrity of Bosnia-Herzegovina;

Whereas irregular forces have failed to disband, disarm, or place their weapons under effective international monitoring;

Whereas article 51 of the Charter of the United Nations provides for the right of individual and collective self-defense if an armed attack occurs against a member state;

Whereas Bosnia-Herzegovina's right to defend itself against attack by well armed forces has been thwarted by the existing international arms embargo;

Whereas incursions of the airspace of Bosnia-Herzegovina by hostile military aircraft continue to occur in violation of the establishment of a "no-fly" zone by the United Nations Security Council; and

Whereas United Nations Security Council resolutions on a "no-fly" zone, the transfer of all heavy weapons to international control, the delivery of humanitarian assistance, and access to all camps, prisons and detention centers in Bosnia-Herzegovina have not been fully implemented or enforced: Now, therefore, be it

1       *Resolved*, That the United States should act, without  
 2 delay, to uphold Bosnia-Herzegovina's right to self-defense  
 3 as provided for under article 51 of the Charter of the United  
 4 Nations and to seek the immediate lifting of the international  
 5 arms embargo as it applies to that country, thus  
 6 enabling Bosnia-Herzegovina to obtain defensive weapons.

1        SEC. 2. The United States should assemble a multi-  
2 national coalition to—

3            (1) immediately enforce the existing United Na-  
4 tions “no-fly” zone over the territory of Bosnia-  
5 Hercegovina, including through the use of military  
6 air force, if required;

7            (2) ensure that irregular forces in Bosnia-  
8 Hercegovina either withdraw, or be subject to the  
9 authority of the Government of Bosnia-Hercegovina,  
10 or be disbanded and disarmed with their weapons  
11 placed under effective international monitoring. In  
12 the event that such steps are not taken by irregular  
13 forces immediately, every effort, including the use of  
14 military air force, should be made to neutralize  
15 heavy arms in the hands of such forces;

16            (3) ensure the immediate, effective and  
17 unimpeded delivery of humanitarian aid to all civil-  
18 ian populations in Bosnia-Hercegovina, in keeping  
19 with international commitments, including through  
20 the use of military force, if required; and

21            (4) ensure unimpeded access to all camps, pris-  
22 ons and detention centers in Bosnia-Hercegovina by  
23 the International Committee of the Red Cross and  
24 other international humanitarian organizations and

1 facilitate the release of all detainees from such facili-  
2 ties.

3 SEC. 3. The United States should—

4 (1) seek an increase in the number of refugees  
5 from Bosnia-Herzegovina permitted to enter the  
6 United States and other European countries; and

7 (2) work to ensure that those responsible for  
8 war crimes and crimes against humanity in Bosnia-  
9 Herzegovina are held accountable by an inter-  
10 national criminal tribunal.

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